

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Marco DeMello, et al.

Serial No.: 09/839,784

Group Art Unit: 2122

Filed: April 20, 2001

Examiner: Tang, Kuo Liang J.

**For: SERVER CONTROLLED BRANDING OF CLIENT SOFTWARE DEPLOYED
OVER COMPUTER NETWORKS**

I, Susan C. Murphy, Registration No. 46,221 certify that this correspondence is being deposited with the U.S. Postal Service as First-Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231. *uprep mail*

EL 999 288 942 US

On May 25, 2004

Susan C. Murphy

Registration No: 46,221

Assistant Commissioner
for Patents
Washington, D.C. 20231

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Technology Center 2100

DECLARATION PURSUANT TO 37 C.F.R. 1.131

I, Attila Narin, declare and say that:

1. I am one of the named inventors of the above-identified patent application.
2. I have been employed by Microsoft Corporation from approximately July 1998 to the present.

During that time, my responsibilities have included software development as a Software Design Engineer and Software Design Engineer Lead.

3. I have a Bachelor's degree in Computer Science.
4. I am familiar with the above-identified patent application. I am also familiar with the references cited by the United States Patent and Trademark Office in connection with the examination of this application.

5. I understand that the Jellum (Application Serial No. 09/818,618) has been cited against claims 1-27 and 29-30 of the above-identified patent application.

6. I understand Jellum is presently relied upon by the U.S. Patent and Trademark Office as showing the following:

receiving an indication that a first copy of a computer program has been downloaded to a first computing device and that said first copy is to be branded with information associated with a first entity;

transmitting first data indicative of said first entity to said first computing device;

receiving said first data from said first computing device; and

providing first branding instructions to said first computing device.

7. I understand that the Jellum reference was filed on March 28, 2001.

8. Prior to March 28, 2001, we had constructed and deployed the invention, as described in the attached exhibits "Co-Branding of the MS Reader Integrated Bookstore" (provided as

Attachment A) and "Microsoft Patent Predisclosure Document" (provided as Attachment B).

These document were created and are dated prior to March 28, 2001.

9. The copies attached hereto evidence possession by myself and the other inventors, prior to March 28, 2001, of server controlled branding of client software deployed over computer networks. The screen shots of Attachment A clearly demonstrate the branded software.

10. The other inventors and I completed the invention disclosed in the above-identified patent application and claimed in claims 1-27 and 29-30 prior to March 28, 2001.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or by imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing there upon, or any patent to which this verified statement is directed.

Date:

5/20/2004

Attila Marín

Co-Branding of the MS Reader Integrated Bookstore

Author: Attila Narin
Last Updated: 8/18/00 7:26 PM

Introduction

This document illustrates the co-branding process of the Microsoft Reader. Depending on download location, the co-brand will be applied to the Integrated Bookstore of the Microsoft Reader. The co-brand is determined using a web browser cookie that is set when the Microsoft Reader is downloaded from a partner web site.

Technical Limitations

The co-branding described in this document is based on conventional web browser cookie technology. As a result, this co-branding method only works if

- the Microsoft Reader is downloaded using Internet Explorer
- the web browser cookie on the client computer does not get deleted or removed. This can happen if the user purposely deletes cookies, or during reinstalls or upgrades of the browser or operating system.

Frequently Asked Questions

1. When does the co-branding of the Microsoft Reader happen?

The co-branding happens during the Activation process.

2. Which parts of the Microsoft Reader get co-branded?

Two parts of the Microsoft Reader get co-branded: the Integrated Bookstore; and the Bookstore Directory. The Integrated Bookstore is co-branded by adding a link to the co-brand bookstore.

This link will always appear in premier position (see Figure 4).

The Bookstore Directory is co-branded by featuring the co-branded bookstore on the entry page of the Bookstore Directory (see Figure 6).

3. Does visiting another co-brand of the Microsoft Reader overwrite the original co-brand?

No, the first co-brand will always persist.

4. How permanent is the co-branding?

The co-branding of the Integrated Bookstore will persist unless the user intentionally deletes the co-brand bookstore link.

The co-branding of the Bookstore Directory will persist as long as the client side web browser cookie that is set when downloading the Reader persists.

5. What if the Microsoft Reader is downloaded with a browser other than Internet Explorer?

The co-brand will not be applied during activation, and the Bookstore Directory will not be co-branded. The user will have to add bookstores from the Bookstore Directory listing, on which bookstore can appear in any order.

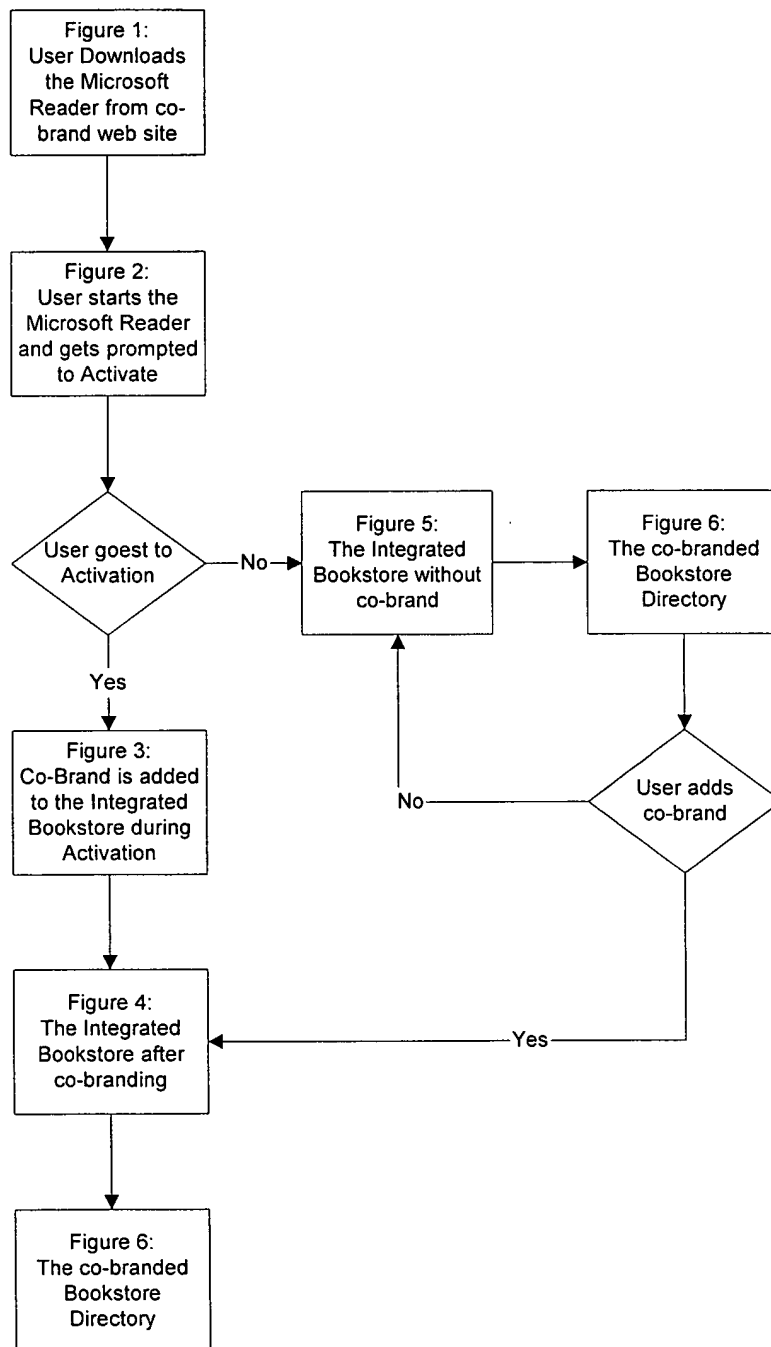
6. What if the web browser cookie is lost?

If the web browser cookie is lost after the activation process, the Bookstore Directory will no longer appear co-branded. However, the Integrated Bookstore will still feature the co-brand in premier location. If the web browser cookie is lost before the user activates the Reader, both the Bookstore Directory and the Integrated Bookstore will not be co-branded.

7. Can the co-brand appear twice in the Bookstore Directory?

Yes, it is possible that the co-brand shows up twice in the Integrated Bookstore, once in first position, and once in a random location. This can happen when the co-brand is applied during the Activation process, and if the user in addition locates the co-brand bookstore in the Bookstore Directory listing and adds it to the Bookstore even though its there already.

Co-Branding Flow Chart



Co-Branding Illustrations

Figure 1: User downloads the Microsoft Reader from a co-branded web page



Figure 2: User starts the Microsoft Reader and is prompted to Activate.

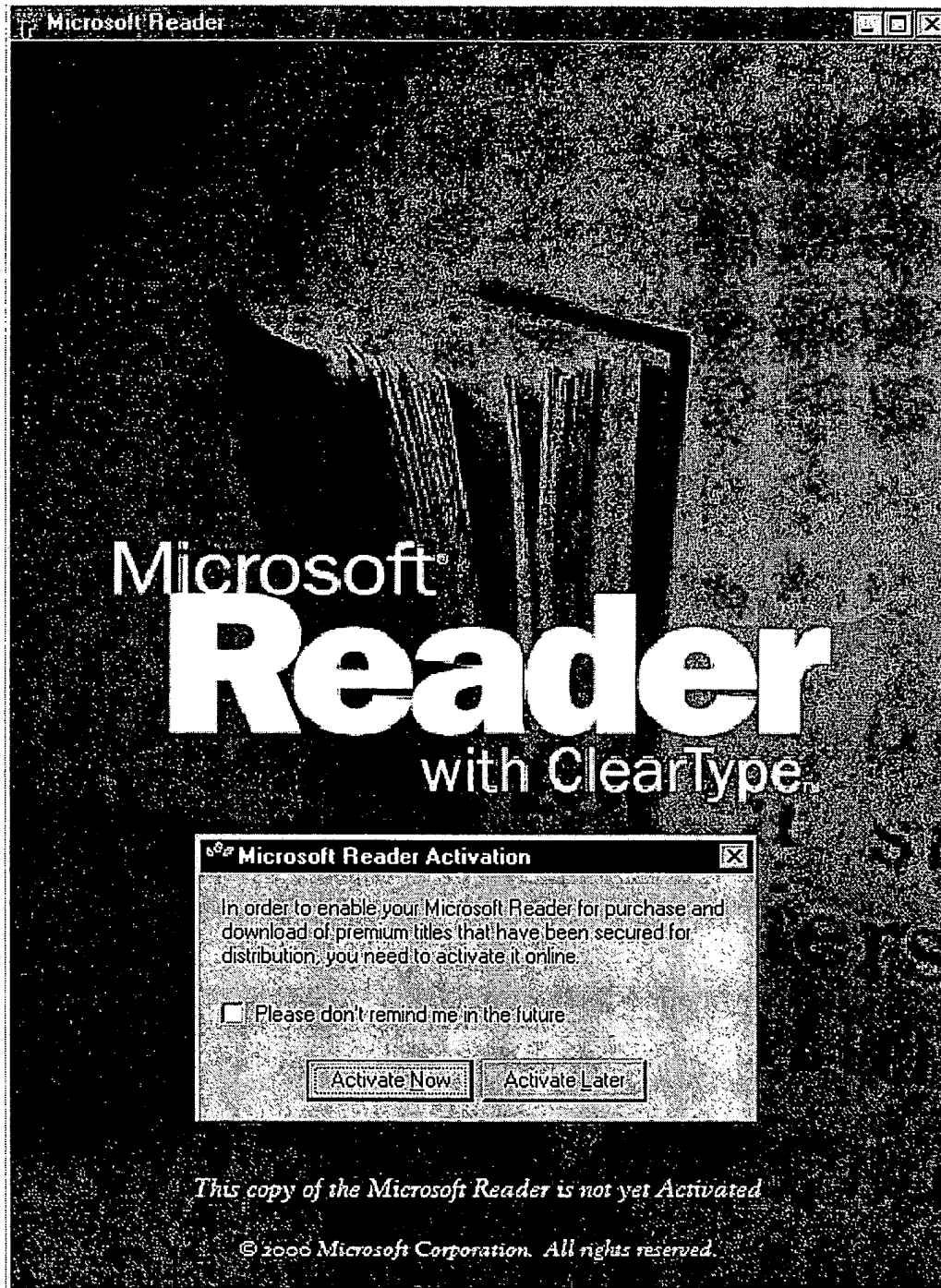


Figure 3: The co-brand is added during the Activation process.

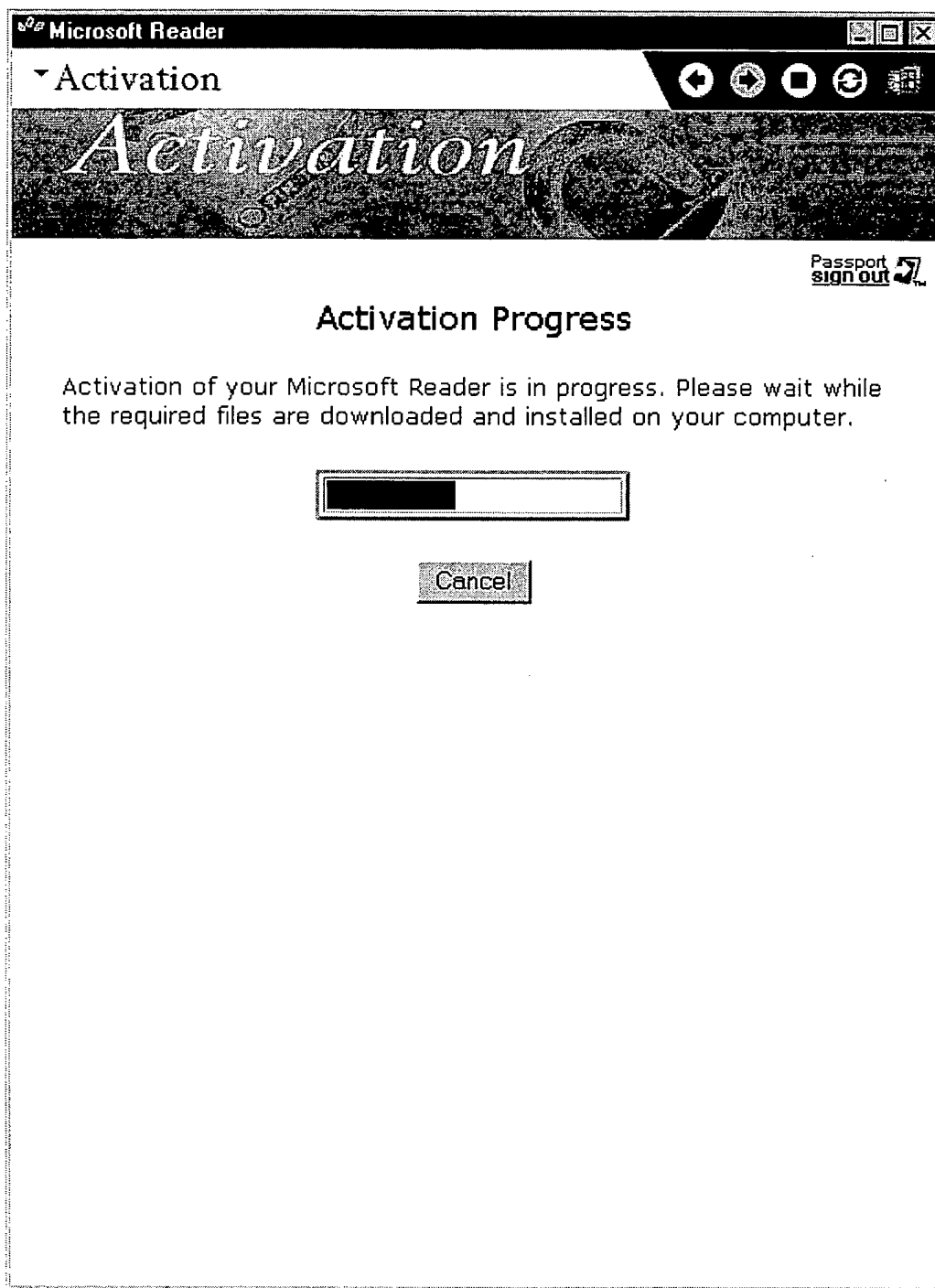
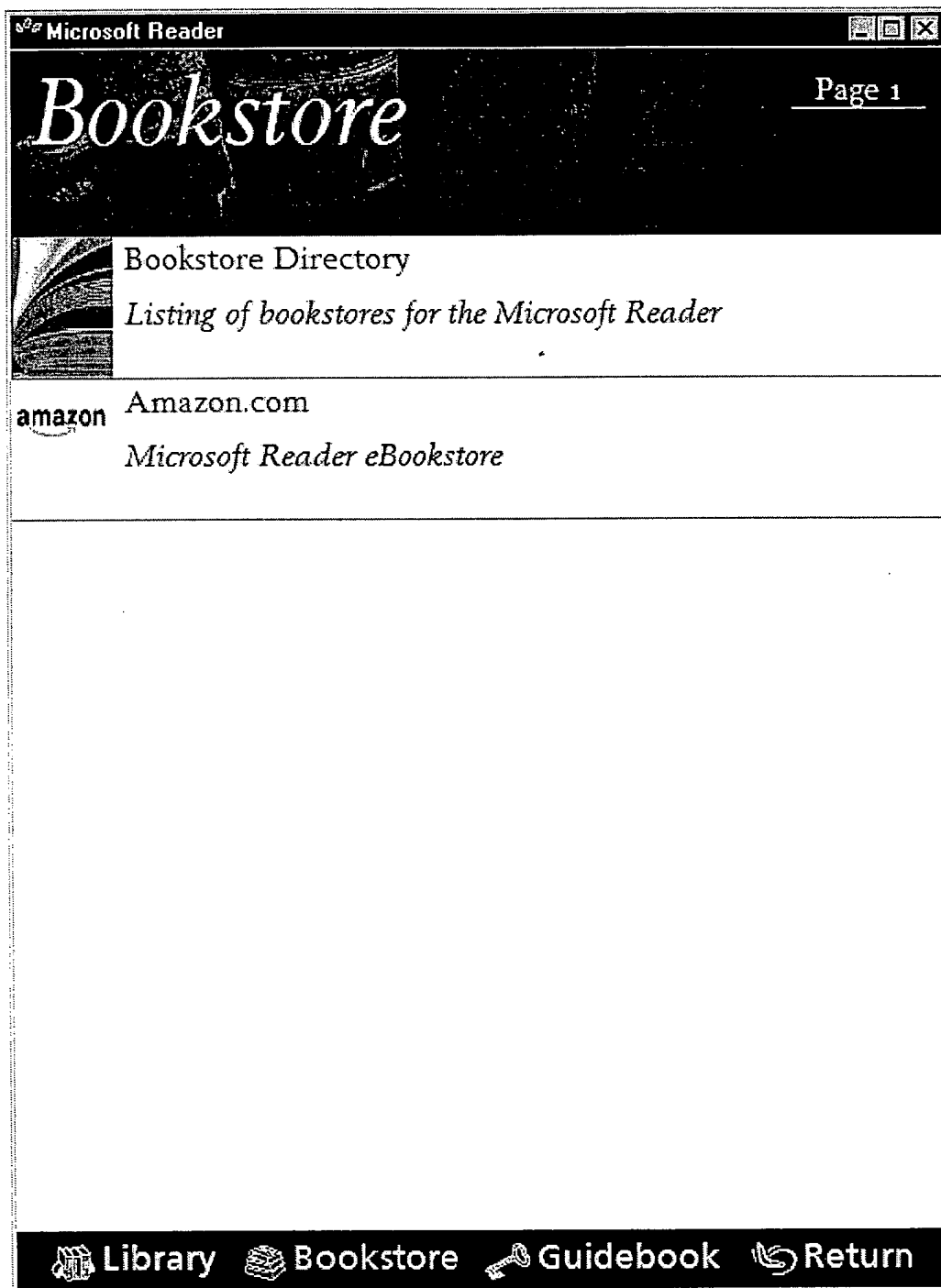


Figure 4: The co-branded Integrated Bookstore



Microsoft Patent Predisclosure Document

Title of Invention: Server Controlled Co-Branding of Client Software deployed over the Internet

Date: 8/7/00

Document Author(s): Attila Narin

Prior Disclosure

[Has there been any disclosure of the invention outside of Microsoft? If so, please identify the party (or parties) to whom disclosed, as well as the date and circumstances under which the disclosure was made (signed/unsigned non-disclosure agreement, etc.). Disclosure may include such things as an offer for sale, a demonstration, or a publication describing a novel aspect of the invention.]

This co-branding method has been demonstrated and communicated to the Microsoft Reader bookstore partners: Barnes & Noble, Contentville, and others that have received our DAS CD. These partners are typically under NDA (although I'm not 100% sure if that's true for all of them and will be in the future).

Introduction

[Please provide a high level description of the invention, including the names of the people who contributed to the invention.]

Primary Inventors: Attila Narin, Marco De Mello, and Chris Madonna

For many applications, especially for those rendering digital content, co-branding is a key feature. For example, if a user downloads the Microsoft Reader from the Barnes & Noble web page, Barnes & Noble shows up as the premier bookstore inside the Microsoft Reader application. If the Microsoft Reader software is downloaded from other partners (e.g. other online bookstores), those would show up in a premier location inside the application instead of Barnes & Noble. This invention describes a mechanism that allows server side control over co-branding for applications deployed over the Internet.

Strategic Importance of Invention:

[Please provide reasons why you think patent protection for this invention is important to Microsoft. Factors to consider include (1) is it core technology; (2) is it a feature that gives Microsoft a competitive advantage; (3) is it a feature that our competitors would want to copy; (4) does it include new APIs, file formats, network protocols, data schema or other components relating to product interoperability (5) is it related to a standard. Please include who you consider the most likely competitors and/or competitive products for this technology.]

Co-Branding is a key concept for applications that render digital content, e.g. electronic books, music, etc. This invention gives Microsoft extended control over co-branding of software deployed over the Internet, even after the software (e.g. the Microsoft Reader) is already released. Any other company who distributes software for rendering digital content has similar co-branding requirements, and this method gives Microsoft a competitive advantage.

Motivation for the Invention:

[Describe (1) the problem addressed by the invention (e.g., limitations of prior products of Microsoft, or others), and (2) your solution to the problem (including what "new" things your invention does and a high-level description of how it does them).]

Problem

Conventionally, co-branding of client software is achieved by having different setups, one for each co-brand. This has several drawbacks:

- Higher cost for product team (time consuming to change the setup of an application, and even more time consuming to run a complete test pass of the software package before releasing it)
- Co-Branding is not changeable after software package is deployed
- More complicated process of managing different setups

Solution

For applications downloaded from the Internet, which is becoming a very common method of deployment especially for applications dealing with digital content, it is possible to have the same setup for all co-

brands, and control the co-branding from the server. Doing this solves the problem of the conventional co-branding approach described above. In other words, there is no need for several setups, and the co-branding logic can be updated or modified any time after the software is released.

In the case of the Microsoft Reader, co-branding depends on the download location of the Reader. When downloading the software from a partner over the Internet (e.g. Barnes & Noble), the download location is remembered on the client in form of a web browser cookie. The co-branding step takes place when the user goes on-line from within the software (e.g. Integrated Bookstore, Activation, etc.). The software will check this web browser cookie and contact a Microsoft co-branding server with the information contained in the cookie. Based on the cookie information, the server will provide co-branding instructions to the client software, which usually includes downloading and installing co-branding information and co-brand logos. Microsoft can update the co-branding instructions that the server provides at any time to support additional co-brands and/or to change existing co-brands as governed by business relationships.

Description of the Invention:

[Describe your proposed implementation of the invention, including the architecture and design details of the implementation. The design details should include a description of the component parts of, and individual operations performed by, your implementation. The use of a specific example, showing how the invention solves the problem being addressed, can be particularly helpful. You should also mention whether you have thought of any other implementations, or applications of, your invention. In most cases, 1-2 pages of description should be adequate to start the patent application process, although a more detailed description may greatly enhance the efficiency of the process.]

Performing the co-branding operation is a two-step process:

- 1) At the time of download of the software that is to be co-branded, the download location determines the co-brand, and the co-branding server is informed of the download location.
- 2) The client software, after installation, will contact a server to request co-branding instructions and execute these co-branding instructions.

This mechanism assumes the existence of a co-branding server which translates information about the download location into co-branding instructions. Note that the download location is perhaps the most useful co-brand criterion, however, others exist and may be solvable by this invention.

The following paragraphs explain in detail what happens during those two phases, in addition to describing the co-branding server.

Step 1: Downloading Client Software

In most cases, the co-brand of the client software is determined depending on download location. The download from the Internet happens through a web browser, e.g. Internet Explorer. For example, a user visits Barnes & Noble and downloads the client software (e.g. the Microsoft Reader) from their site. Note: in reality, the download can also happen from the Microsoft download server, however, that is typically transparent to the user.

Since the server that controls the co-branding in Step 2 is in another Internet domain (e.g. microsoft.com), Barnes & Noble web server has to inform the Microsoft co-branding server. It does that by making an HTTP request to the Microsoft co-branding server. This request will set a client side web browser cookie for the domain of the co-branding server. This cookie contains information about the download location, and will be translated into co-branding information in Step 2. The cookie is set by the co-branding server when making a HTTP request from the same web page that also contains a link to the download of the Reader from Barnes & Noble. Typically, an invisible image is used, with the source URL of the image pointing to the co-branding server. This cookie will be available when the same client (web browser) visits the co-branding server in Step 2.

Step 2: Co-Brand Client Software

The co-branding step is executed after the client software is installed. The client software needs to be equipped with a component that retrieves and transmits the cookie that was set in Step 1. The co-branding server will inspect this cookie and will send to the client the appropriate co-branding instructions. The client side component also needs to be able to receive and execute co-branding instructions. The client software needs to be connected to the Internet in order to perform the co-branding steps. This is typically

the case, since applications handling digital content typically acquire their content from the Internet. Further, applications handling digital content like the Microsoft Reader may require additional steps after installation to make them fully functional, e.g. the Microsoft Reader Activation.

For the Microsoft Reader, the co-branding happens as part of the Activation process. In other words, the co-branding server can be combined with other servers that the client side software is expected to interact with during its use. Activation happens via the integrated web browser (Internet Explorer) facilitated by an ActiveX control. The web browser will automatically send the cookie containing information about the download location to the co-branding server. The logic that executes the co-branding instructions is also contained in the same ActiveX control facilitating Activation. Different approaches are also possible, e.g. combining co-branding with Activation was convenient in the case of the Microsoft Reader, but for other client software similar combinations may or may not be appropriate.

An example of co-branding, in the case of the Microsoft Reader, is to set pre-populate the Integrated Bookstore with a default bookstore, e.g. Barnes & Noble, if the Reader was downloaded from there. In general, other co-branding steps may also be performed to the application, e.g. changing the splash screen or UI to reflect branding, etc.

Note that the cookie that is set during download time can be used to co-brand the client application as long as it persists on the client. In the case of the Microsoft Reader, the Bookstore Directory, a web page listing all bookstores available for the Microsoft Reader, will also be co-branded. In this context, it is important to note that the co-branding cookie cannot be changed once it is set, e.g. the first download location will always be used to determine the co-brand.

Co-Branding Server

The Co-Branding Server is responsible for translating information about the download location into co-branding instructions. Information about the download location is presented in form of the cookie that was set right before the download of the client software. The server inspects this cookie, determines the correct co-branding for the given download location, and transmits co-branding instructions back to the client for executing. The co-branding server also makes available additional resources that may be required by the client, e.g. co-branding logos etc.

Again, one of the main advantages of keeping co-branding logic and policies on the server is that such co-branding logic and policies can be updated at any given time to be current with business relationships.

Diagrams and Flow Charts:

[To support the description provided above, please include: (a) at least one block diagram showing the architecture of the system that implements your invention, and (b) at least one diagram illustrating the primary steps performed by your invention.]

Figure 1 visualizes the sequence of actions of how client software that is downloaded from the Internet is co-branded in a server-controlled manner:

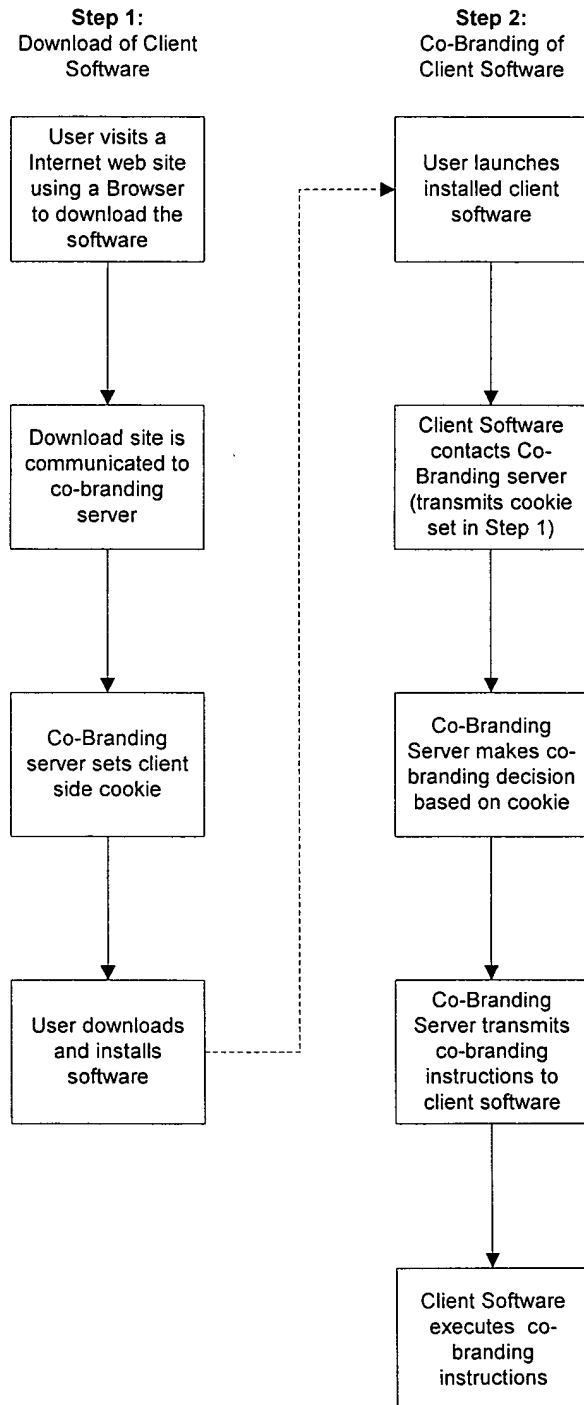


Figure 2: Interaction between client computer web browser, partner web server (co-brand), and co-branding server during Step 1 (download of client software):

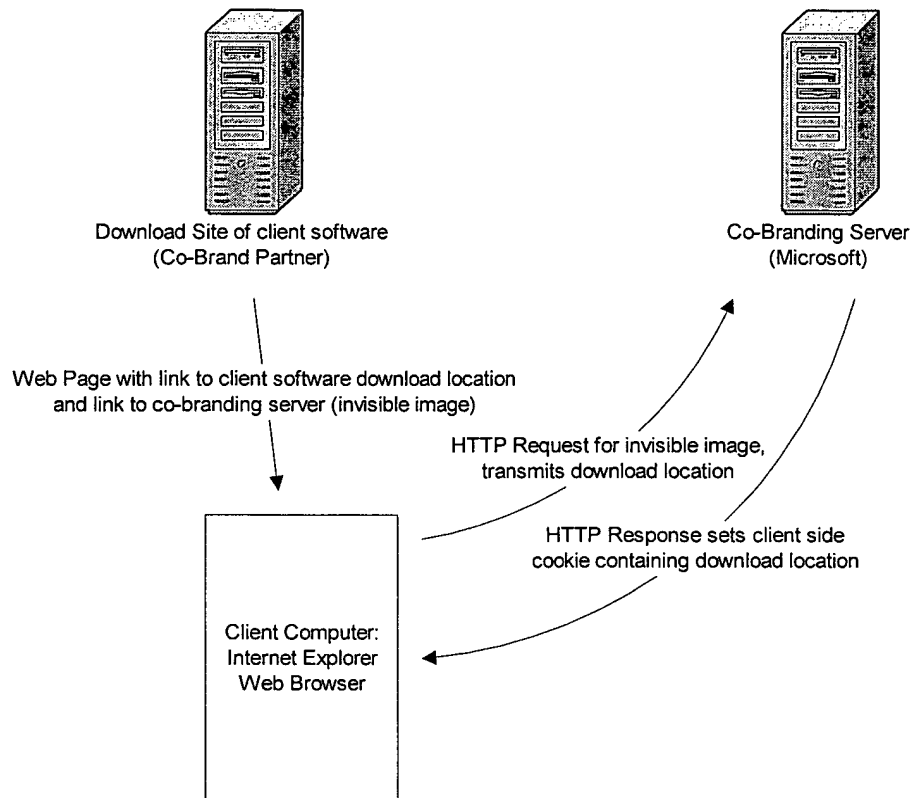
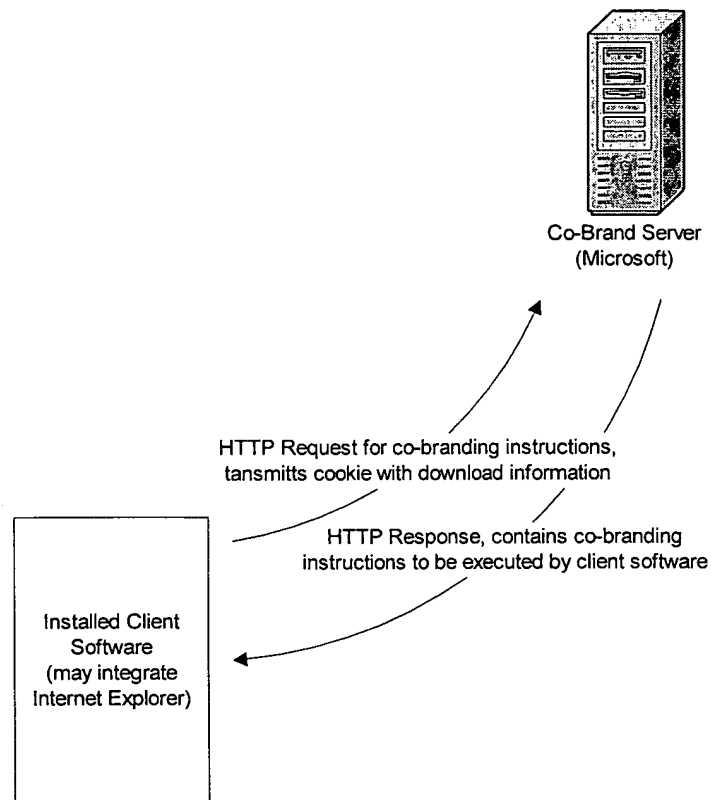


Figure 3: Interaction between client software and co-branding server during Step 2 (co-branding of client software):



Additional Information:

- *List the names of any people who contributed to the invention.*

Primary Inventors: Attila Narin, Marco De Mello, and Chris Madonna

- *List any earlier, current or anticipated MS products that may use your invention:*

Microsoft Reader, Digital Asset Server

- *List and attach (or provide pointers to) any documents that provide additional information about your invention or the product to which it relates, including specifications, journal articles, slide presentations, test/performance results, etc.]*

Co-Branding of the Microsoft Reader Integrated Bookstore (attached)

This document illustrates the co-branding mechanism from a user's perspective.

- *List any other sources that would provide helpful background information or illustrate prior work of others in this area (including, e.g., journal articles, text books, product literature, products, and specifications):*

None



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I, Susan C. Murphy, Registration No. 46,221 certify that this correspondence is being deposited with the U.S. Postal Service as First-Class *express* mail in an envelope addressed to the Assistant Commissioner for Patents, *Mail* Washington, D.C. 20231.

EL 999 288942 u s

On May 25, 2004

Susan C Murphy

Registration No: 46,221

Assistant Commissioner
for Patents
Washington, D.C. 20231

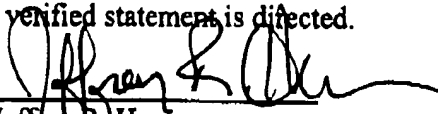
DECLARATION PURSUANT TO 37 C.F.R. 1.131

I, Jeffrey R. Hemmen, declare and say that:

1. I am not one of the named inventors of the above-identified patent application.
2. I have been employed by Microsoft Corporation from December 1992 to the present. During that time, my responsibilities have included evaluating technical solutions for potential patent(s), and supporting engineers in preparing patentable technology for filing with the patent office.
3. I have a Bachelor's degree in Economics from the University of Washington.
4. I read and understood the documents: "Co-Branding of the MS Reader Integrated Bookstore" (provided as Attachment A) and "Microsoft Patent Predisclosure Document" (provided as Attachment B) prior to March 28, 2001.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or by imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing there upon, or any patent to which this verified statement is directed.

Date: May 24, 2004


Jeffrey R. Hemmen

Co-Branding of the MS Reader Integrated Bookstore

Author: Attila Narin
Last Updated: 8/18/00 7:26 PM

Introduction

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Frequently Asked Questions

1. When does the co-branding of the Microsoft Reader happen?

The co-branding happens during the Activation process.

2. Which parts of the Microsoft Reader get co-branded?

Two parts of the Microsoft Reader get co-branded: the Integrated Bookstore; and the Bookstore Directory. The Integrated Bookstore is co-branded by adding a link to the co-brand bookstore.

This link will always appear in premier position (see Figure 4).

The Bookstore Directory is co-branded by featuring the co-branded bookstore on the entry page of the Bookstore Directory (see Figure 6).

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No, the first co-brand will always persist.

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The co-branding of the Integrated Bookstore will persist unless the user intentionally deletes the co-brand bookstore link.

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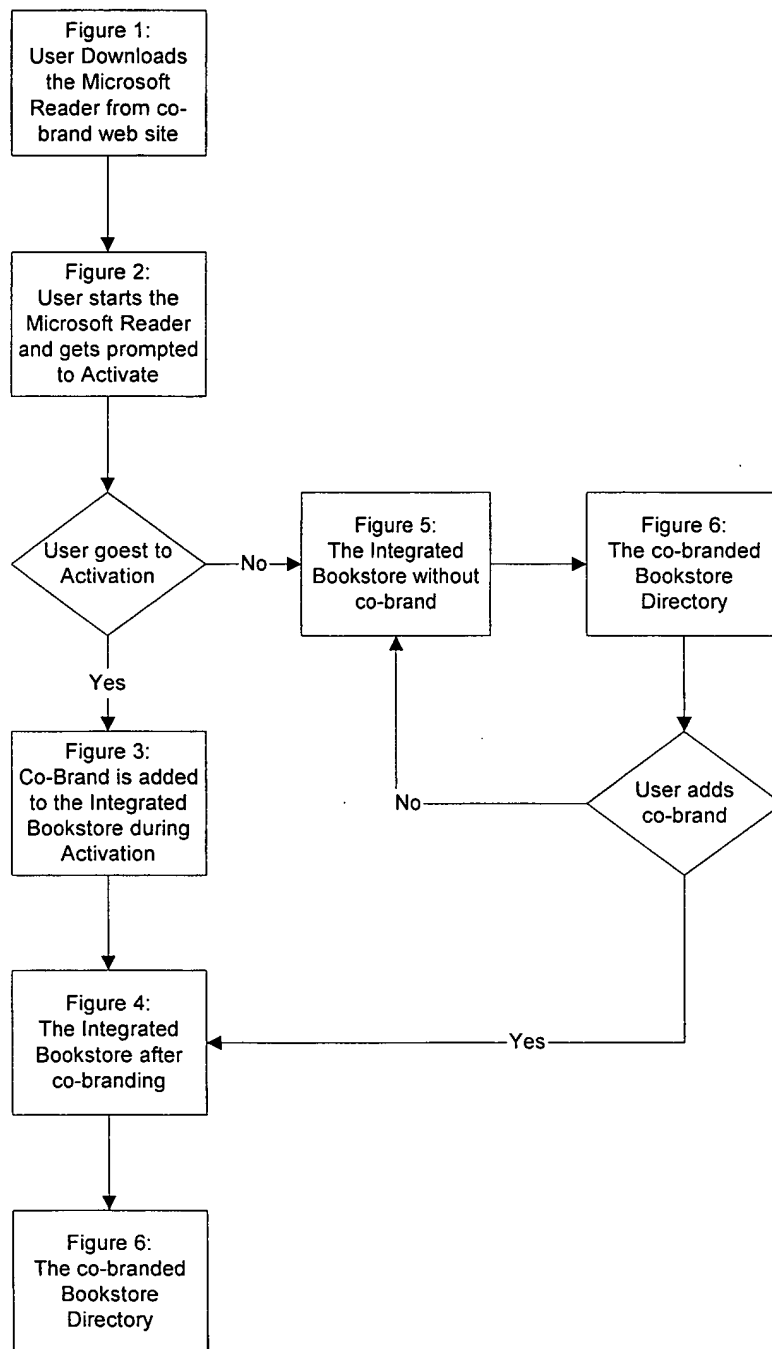
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Yes, it is possible that the co-brand shows up twice in the Integrated Bookstore, once in first position, and once in a random location. This can happen when the co-brand is applied during the Activation process, and if the user in addition locates the co-brand bookstore in the Bookstore Directory listing and adds it to the Bookstore even though its there already.

Co-Branding Flow Chart



Co-Branding Illustrations

Figure 1: User downloads the Microsoft Reader from a co-branded web page

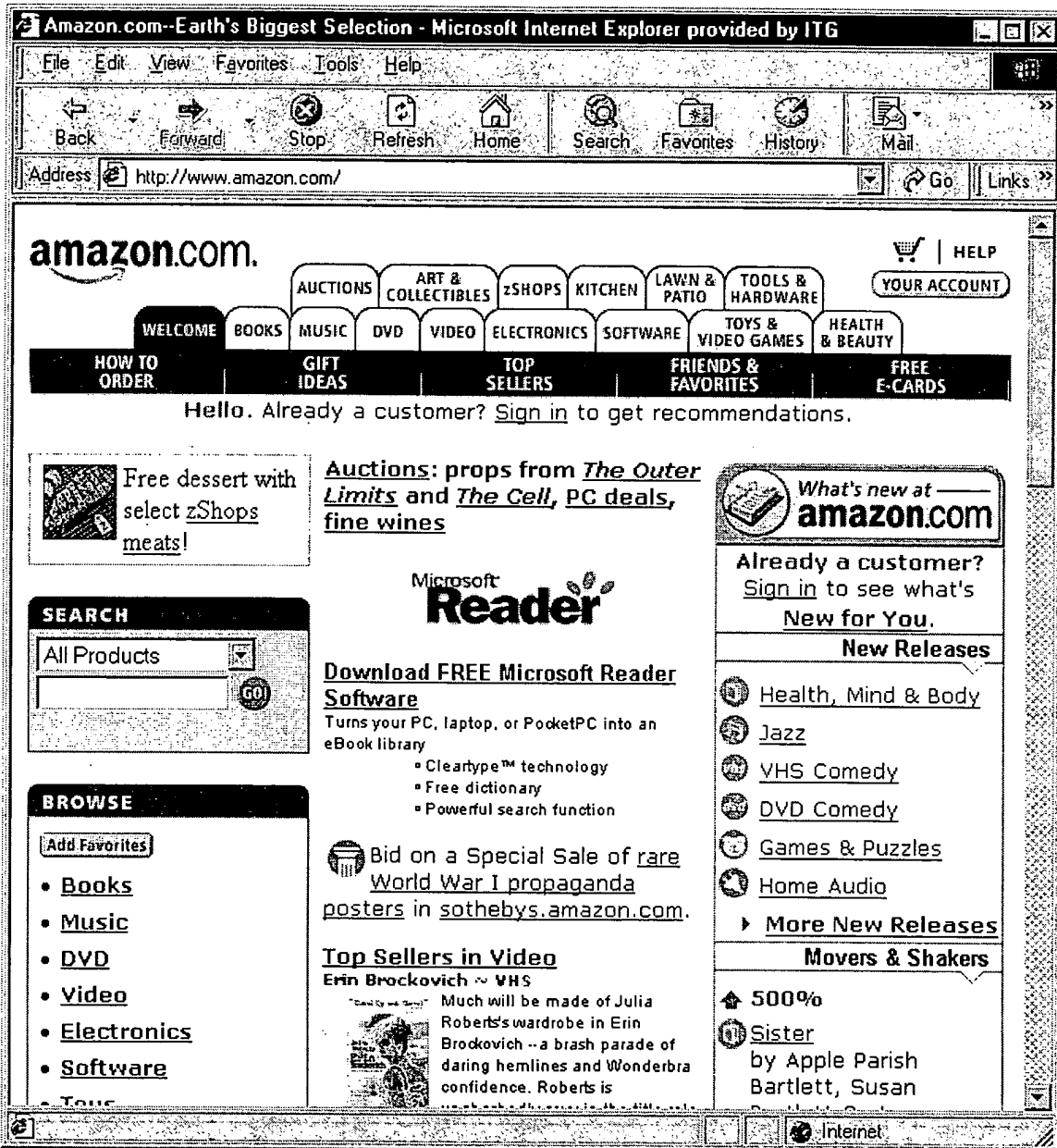


Figure 2: User starts the Microsoft Reader and is prompted to Activate.

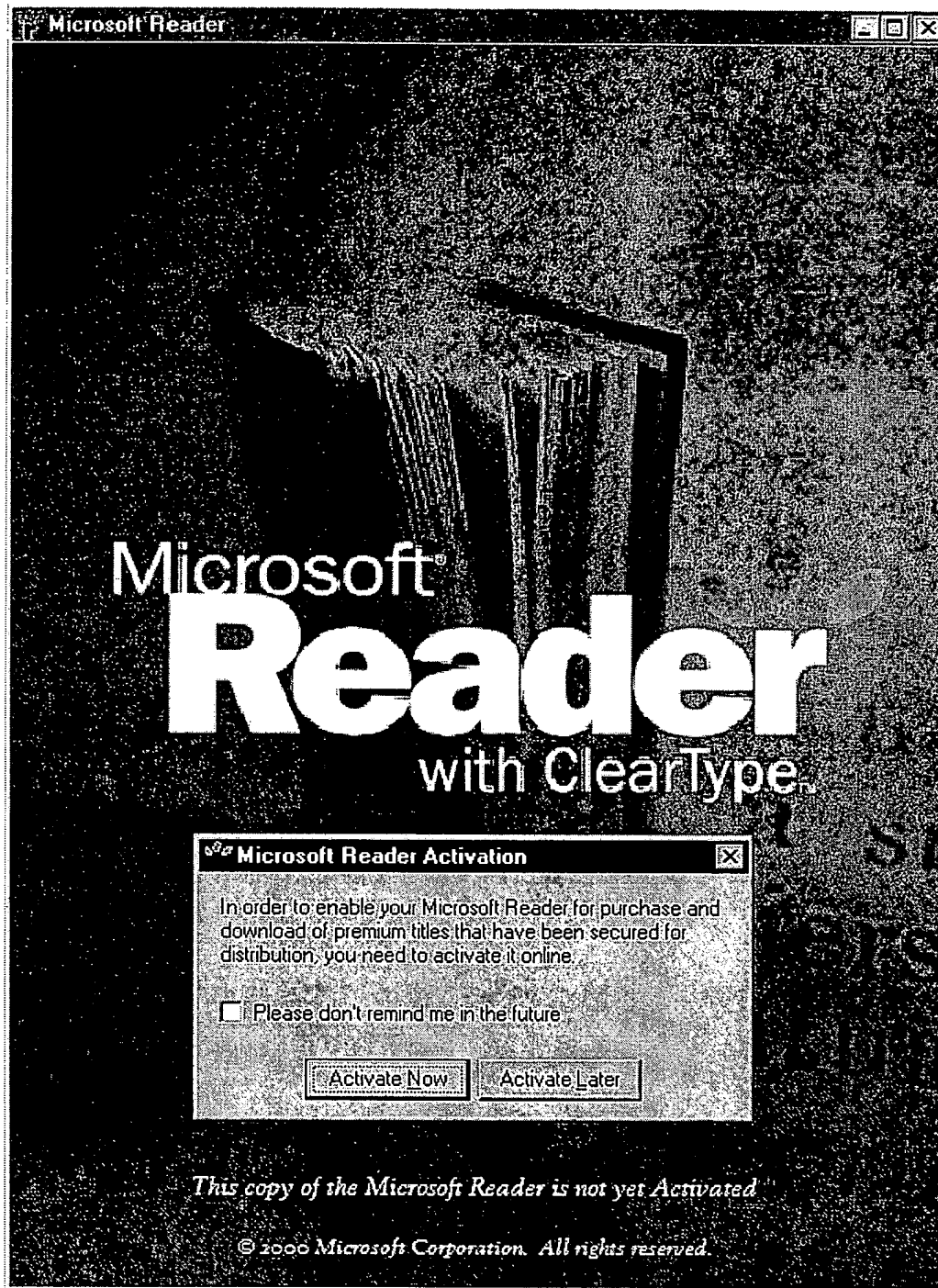


Figure 3: The co-brand is added during the Activation process.

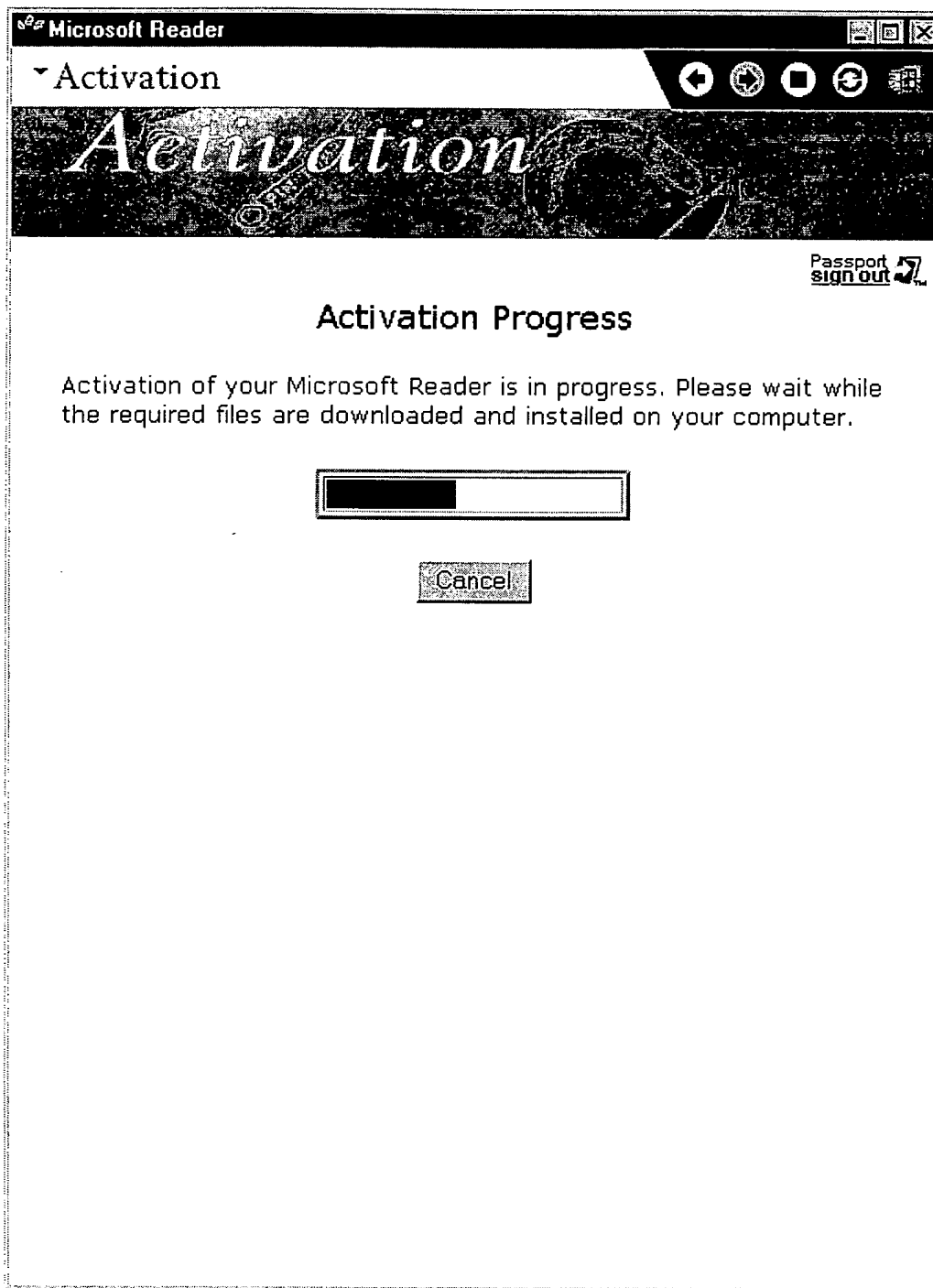
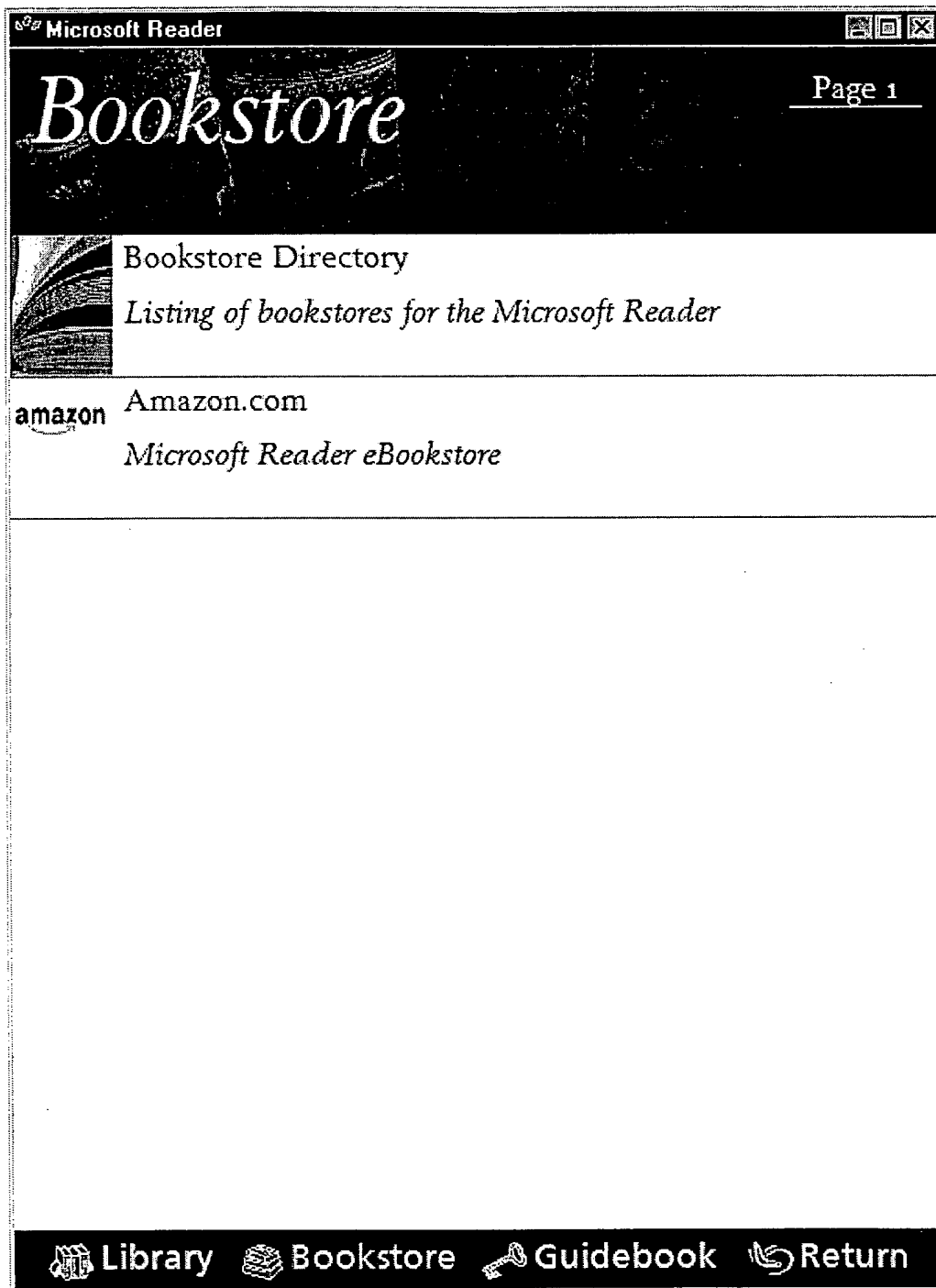


Figure 4: The co-branded Integrated Bookstore



Microsoft Patent Predisclosure Document

Title of Invention: Server Controlled Co-Branding of Client Software deployed over the Internet

Date: 8/7/00

Document Author(s): Attila Narin

Prior Disclosure

[Has there been any disclosure of the invention outside of Microsoft? If so, please identify the party (or parties) to whom disclosed, as well as the date and circumstances under which the disclosure was made (signed/unsigned non-disclosure agreement, etc.). Disclosure may include such things as an offer for sale, a demonstration, or a publication describing a novel aspect of the invention.]

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Motivation for the Invention:

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Problem

Conventionally, co-branding of client software is achieved by having different setups, one for each co-brand. This has several drawbacks:

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Solution

For applications downloaded from the Internet, which is becoming a very common method of deployment especially for applications dealing with digital content, it is possible to have the same setup for all co-

brands, and control the co-branding from the server. Doing this solves the problem of the conventional co-branding approach described above. In other words, there is no need for several setups, and the co-branding logic can be updated or modified any time after the software is released.

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Performing the co-branding operation is a two-step process:

- 1) At the time of download of the software that is to be co-branded, the download location determines the co-brand, and the co-branding server is informed of the download location.
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Step 1: Downloading Client Software

In most cases, the co-brand of the client software is determined depending on download location. The download from the Internet happens through a web browser, e.g. Internet Explorer. For example, a user visits Barnes & Noble and downloads the client software (e.g. the Microsoft Reader) from their site. Note: in reality, the download can also happen from the Microsoft download server, however, that is typically transparent to the user.

Since the server that controls the co-branding in Step 2 is in another Internet domain (e.g. microsoft.com), Barnes & Noble web server has to inform the Microsoft co-branding server. It does that by making an HTTP request to the Microsoft co-branding server. This request will set a client side web browser cookie for the domain of the co-branding server. This cookie contains information about the download location, and will be translated into co-branding information in Step 2. The cookie is set by the co-branding server when making a HTTP request from the same web page that also contains a link to the download of the Reader from Barnes & Noble. Typically, an invisible image is used, with the source URL of the image pointing to the co-branding server. This cookie will be available when the same client (web browser) visits the co-branding server in Step 2.

Step 2: Co-Brand Client Software

The co-branding step is executed after the client software is installed. The client software needs to be equipped with a component that retrieves and transmits the cookie that was set in Step 1. The co-branding server will inspect this cookie and will send to the client the appropriate co-branding instructions. The client side component also needs to be able to receive and execute co-branding instructions. The client software needs to be connected to the Internet in order to perform the co-branding steps. This is typically

the case, since applications handling digital content typically acquire their content from the Internet. Further, applications handling digital content like the Microsoft Reader may require additional steps after installation to make them fully functional, e.g. the Microsoft Reader Activation.

For the Microsoft Reader, the co-branding happens as part of the Activation process. In other words, the co-branding server can be combined with other servers that the client side software is expected to interact with during its use. Activation happens via the integrated web browser (Internet Explorer) facilitated by an ActiveX control. The web browser will automatically send the cookie containing information about the download location to the co-branding server. The logic that executes the co-branding instructions is also contained in the same ActiveX control facilitating Activation. Different approaches are also possible, e.g. combining co-branding with Activation was convenient in the case of the Microsoft Reader, but for other client software similar combinations may or may not be appropriate.

An example of co-branding, in the case of the Microsoft Reader, is to set pre-populate the Integrated Bookstore with a default bookstore, e.g. Barnes & Noble, if the Reader was downloaded from there. In general, other co-branding steps may also be performed to the application, e.g. changing the splash screen or UI to reflect branding, etc.

Note that the cookie that is set during download time can be used to co-brand the client application as long as it persists on the client. In the case of the Microsoft Reader, the Bookstore Directory, a web page listing all bookstores available for the Microsoft Reader, will also be co-branded. In this context, it is important to note that the co-branding cookie cannot be changed once it is set, e.g. the first download location will always be used to determine the co-brand.

Co-Branding Server

The Co-Branding Server is responsible for translating information about the download location into co-branding instructions. Information about the download location is presented in form of the cookie that was set right before the download of the client software. The server inspects this cookie, determines the correct co-branding for the given download location, and transmits co-branding instructions back to the client for executing. The co-branding server also makes available additional resources that may be required by the client, e.g. co-branding logos etc.

Again, one of the main advantages of keeping co-branding logic and policies on the server is that such co-branding logic and policies can be updated at any given time to be current with business relationships.

Diagrams and Flow Charts:

[To support the description provided above, please include: (a) at least one block diagram showing the architecture of the system that implements your invention, and (b) at least one diagram illustrating the primary steps performed by your invention.]

Figure 1 visualizes the sequence of actions of how client software that is downloaded from the Internet is co-branded in a server-controlled manner:

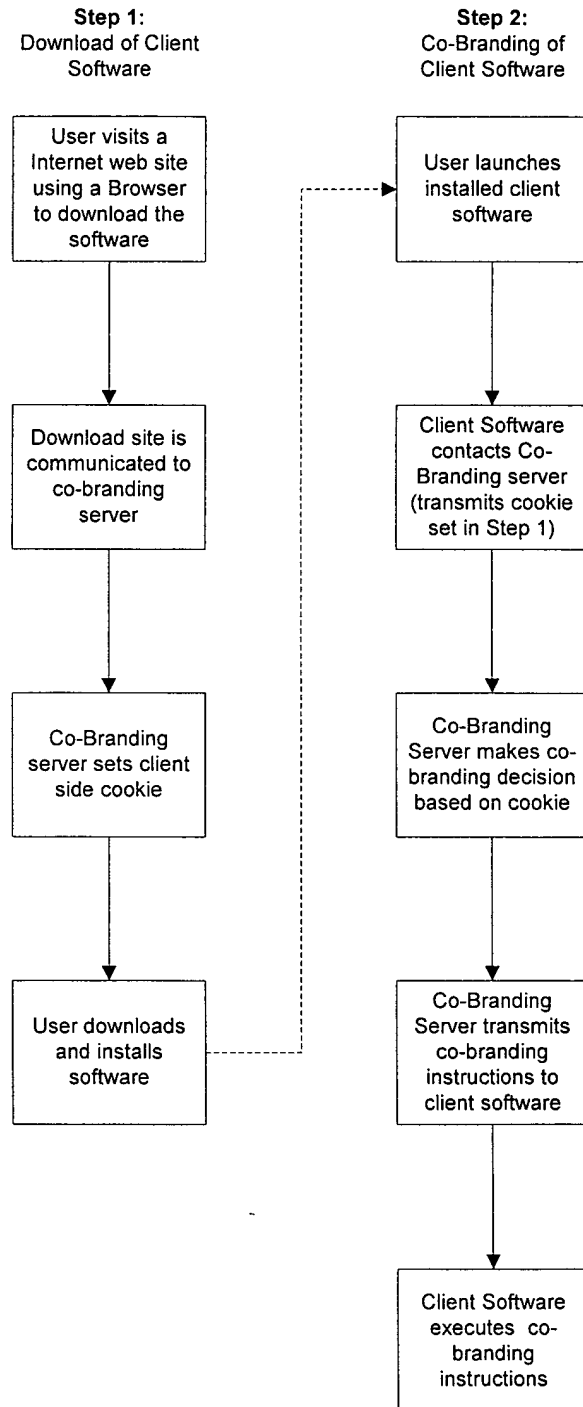


Figure 2: Interaction between client computer web browser, partner web server (co-brand), and co-branding server during Step 1 (download of client software):

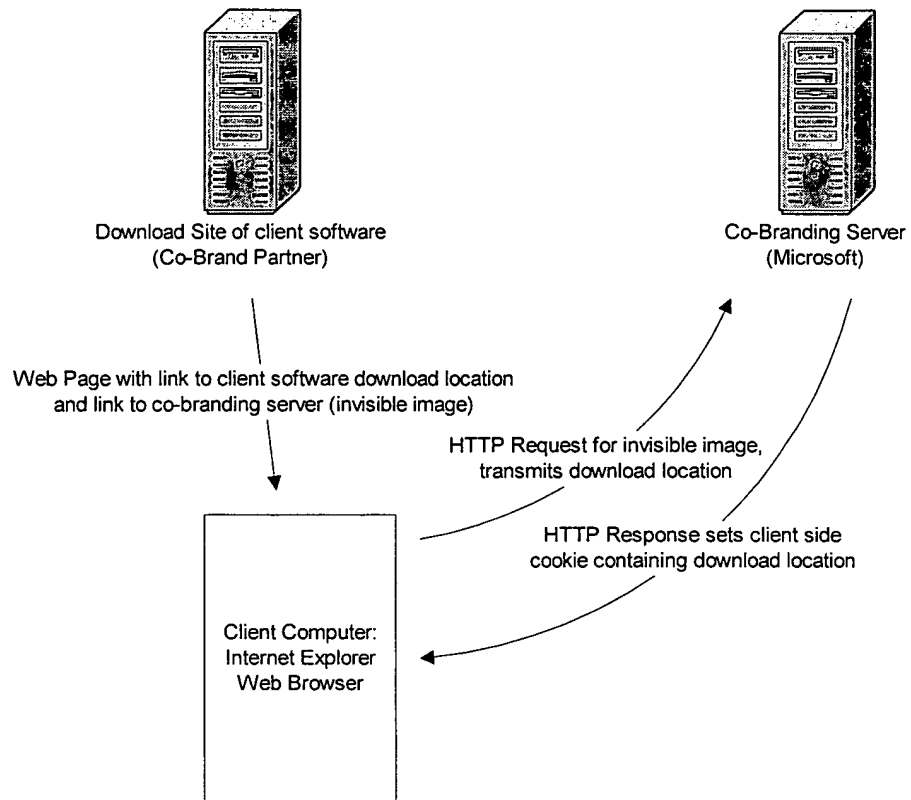
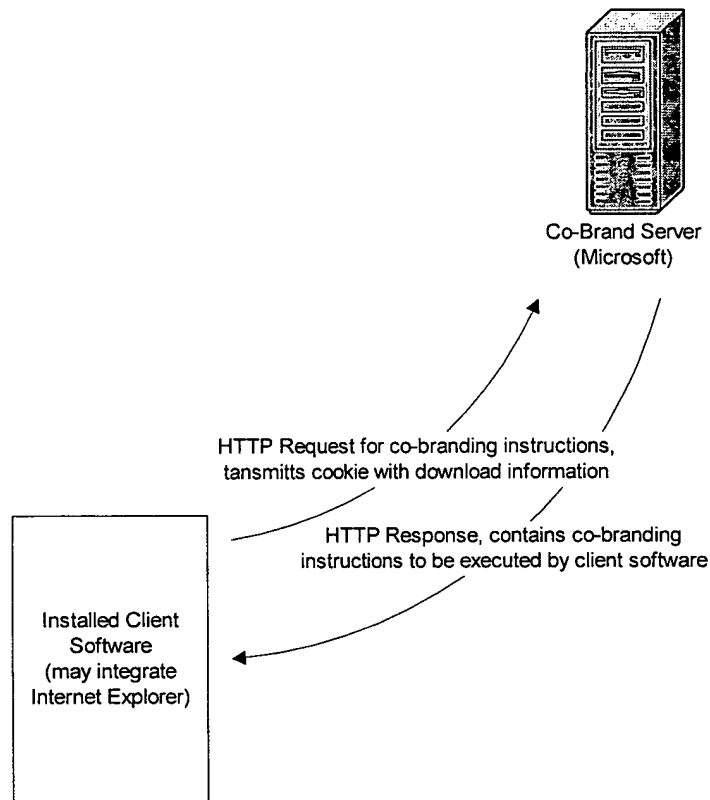


Figure 3: Interaction between client software and co-branding server during Step 2 (co-branding of client software):



Additional Information:

- *List the names of any people who contributed to the invention.*

Primary Inventors: Attila Narin, Marco De Mello, and Chris Madonna

- *List any earlier, current or anticipated MS products that may use your invention:*

Microsoft Reader, Digital Asset Server

- *List and attach (or provide pointers to) any documents that provide additional information about your invention or the product to which it relates, including specifications, journal articles, slide presentations, test/performance results, etc.]*

Co-Branding of the Microsoft Reader Integrated Bookstore (attached)

This document illustrates the co-branding mechanism from a user's perspective.

- *List any other sources that would provide helpful background information or illustrate prior work of others in this area (including, e.g., journal articles, text books, product literature, products, and specifications):*

None